

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

<i>In re:</i>	§	Chapter 7
	§	
DANIEL BRIAN HICKS and CATHERINE JOHNSON HICKS,	§	Case No.: 20-02039-NPO
	§	
Debtors.	§	

**MOTION FOR APPROVAL OF AGREED ORDER GRANTING STAY RELIEF AND
ABANDONMENT OF THE CHAPTER 7 ESTATE'S INTERESTS IN REAL PROPERTY
LOCATED AT 1034 HOLLAND AVENUE, PHILADELPHIA, MISSISSIPPI AND
RELATED PERSONAL PROPERTY AND PROCEEDS THEREOF**

COMES NOW The Citizens Bank of Philadelphia, a state-chartered banking corporation organized and existing under the laws of the State of Mississippi ("Citizens Bank"), a creditor and party-in-interest and, pursuant to Rule 4001(d) of the Federal Rules of Bankruptcy Procedure, requests the Court's approval and entry of that certain proposed *Agreed Order Granting Stay Relief and Abandonment as to the Chapter 7 Estate's Interests in Real Property Located at 1034 Holland Avenue, Philadelphia, Mississippi and Related Personal Property and Proceeds Thereof* (the "Agreed Order") as is attached hereto and incorporated herein as **Exhibit "1"**, with the subject matter of the proposed Agreed Order being any and all interests that Debtor and the above-captioned bankruptcy estate (collectively, the "Estate") may hold in certain real property located at 1034 Holland Avenue, Philadelphia, Mississippi and all related buildings, improvements, fixtures and the proceeds thereof (collectively, the "Property"), all of such Property being titled in the name of B Happy Properties, LLC, a Mississippi limited liability

company (the "Non-Debtor Entity"), of which the Debtor, Brian Hicks, DVM, is the sole member.

Citizens Bank respectfully submits that the proposed Agreed Order accurately memorializes the agreement that has been reached between itself, the Debtor and the Chapter 7 Trustee (collectively, the "Parties") regarding consent to relief from the Section 362 automatic stay, coupled with abandonment of the Estate's interests in the Property pursuant to Section 554, due to the Estate having no equity in the Property and the Property not being necessary to an effective reorganization, and with such Property being burdensome to the Estate and/or of inconsequential value and benefit to the Estate.

WHEREFORE, PREMISES CONSIDERED, Citizens Bank requests that the Court give consideration to the Parties' proposed Agreed Order and, assuming the Court finds same to be well-taken, that the Court approve and enter the Agreed Order in substantially the form as is attached hereto as Exhibit "1".

Respectfully submitted, this the 4th day of September, 2020.

THE CITIZENS BANK OF PHILADELPHIA

BY:

/s/ Alan Lee Smith
Alan Lee Smith, Esq. (MS Bar No. 10345)

OF COUNSEL:

BAKER, DONELSON, BEARMAN,
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ATTORNEYS FOR THE CITIZENS BANK OF PHILADELPHIA

CERTIFICATE OF SERVICE

I, Alan Lee Smith, do hereby certify that on this day the foregoing paper was filed electronically with the Clerk of the Court using the Court's ECF system, which served a true and correct copy of such paper electronically on all parties enlisted to receive service electronically as of the date hereof, including but not limited to the following:

Eileen N. Shaffer, Esq.
eshaffer@eshaffer-law.com
CHAPTER 7 TRUSTEE

J. Thomas C. Rollins, Jr., Esq.
trollins@therollinsfirm.com
ATTORNEY FOR DEBTORS

This, the 4th day of September, 2020.

/s/Alan Lee Smith
Alan Lee Smith (MS Bar No. 10345)